



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 19, 2021

By ECF

The Honorable Lorna G. Schofield
United States District Judge
40 Foley Square
New York, New York 10007

Re: *PEN American v. Trump*, 18 Civ. 9433 (LGS)

Dear Judge Schofield:

I write respectfully on behalf of the parties in response to the Court's October 21, 2020 Order directing the parties to file status letters apprising the Court of the status of defendant's petition for interlocutory appeal. *See* ECF No. 113.

Defendant's petition was filed on October 13, 2020. *See PEN American v. Trump*, No. 20-3507 (2d Cir.), Dkt. No. 1. On October 23, 2020, plaintiff filed its opposition to defendant's petition. *PEN American v. Trump*, No. 20-3507 (2d Cir.), Dkt. No. 15. The court of appeals has not yet ruled on the petition.

By order dated January 7, 2021, the court of appeals directed the parties to file letter briefs by January 28, 2021, "addressing whether any of the issues in the § 1292(b) petition have been, or will be, rendered moot by the completion of the President's term, and, if not, the basis for this Court's jurisdiction."

We thank the Court for its consideration of this submission.

Respectfully submitted,

AUDREY STRAUSS

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Cc (By ECF): Counsel of Record